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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,229	11/30/2001	Yakov Kamen	007287.00015	6955
22507	7590	11/19/2008	EXAMINER	
BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			RAMAN, USHA	
ART UNIT	PAPER NUMBER		2424	
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11/19/2008	PAPER			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Applicant's arguments filed October 23rd 2008 have been fully considered but they are not persuasive.

Applicant's arguments (see Remarks page 6) stating that, "Bedard clearly fails to teach or suggest adding a first category from the first set of category to the second set of categories in response to tuning a device to a broadcast program fitting into teh first category a predetermined number of times" have been noted. However Bedard discloses monitoring and recording the number of times the user is tuned to a particular program or channel is tuned to in order to determine what user's favorite channels are. It should be noted that only when a user has tuned to a program channel, wherein categories additionally characterize the programs viewed by the user, categories of programs viewed a predetermined number of times is added to the second set. See column 5 lines 15-20. Bedard further discloses that system monitors the most often viewed categories. See column 8 lines 55-58. That is, Bedard discloses adding the channel/category to the list of favorites when the system determines that a user views the channel/category "often".

For these reasons the rejection is maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2424

/Usha Raman/